



PUBLIC NOTICE

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DA 07-1435

Released: March 29, 2007

XM SATELLITE RADIO HOLDINGS, INC. AND SIRIUS SATELLITE RADIO, INC. SEEK APPROVAL TO TRANSFER CONTROL OF LICENSEE ENTITIES HOLDING FCC LICENSES AND OTHER AUTHORIZATIONS

MB Docket No. 07-57

On March 20, 2007, pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ XM Satellite Radio Holdings Inc. ("XM") and Sirius Satellite Radio Inc. ("Sirius") submitted consolidated applications to the Commission seeking consent to transfer control of certain of their respective subsidiaries that are the holders of various Commission licenses and other authorizations.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. Should circumstances warrant, this proceeding and/or any related proceeding may be designated as restricted. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.²

Parties making oral *ex parte* presentations are directed to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance, and not merely list the subjects discussed.³ More than a one- or two-sentence description of the views and arguments presented is generally required.⁴ We urge parties to use ECFS to file *ex parte* submissions.

For further information, contact William D. Freedman, (202) 418-1415, Royce Sherlock, (202) 418-2330, or Marcia Glauberman, (202) 418-7046, of the Media Bureau. Press inquiries should be directed to Clyde Ensslin (202) 418-0506. TTY: (202) 418-7172 or (888) 835-5322.

¹ See 47 U.S.C. § 310(d). See Applications of XM Satellite Radio Holdings, Inc., Transferor, and Sirius Satellite Radio Inc., Transferee, Consolidated Applications for Authority to Transfer Control of XM Radio and Sirius Satellite Radio Inc., MB Docket No. 07-57.

² An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. See 47 C.F.R. § 1.1201.

³ See *Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings*, Public Notice, FCC 00-358, 15 FCC Rcd 19945 (2000).

⁴ See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

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